

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

In re

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

FAIRFIELD PAGMA ASSOCIATES, LP, a New
York limited partnership, SEYMOUR
KLEINMAN, ESTATE OF MARJORIE
KLEINMAN A/K/A MARJORIE HELENE
KLEINMAN, BONNIE JOYCE KANSLER, as
executor, FAIRFOX, LLC, a New York limited
liability company, and SEYFAIR, LLC, a New
York limited liability company,

Defendants.

Adv. Pro. No. 10-05169 (CGM)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll* (“SIPA”), and the substantively consolidated chapter 7 estate of Bernard L. Madoff individually, and defendants Fairfield Pagma Associates, LP, Seymour Kleinman, Bonnie Joyce Kansler, as executor, Fairfax LLC, and Seyfair LLC in the above-captioned adversary proceeding (the “Defendants” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel hereby stipulate and agree to the following:

1. On December 3, 2010, the Trustee filed and served the Complaint against Defendants (the “Complaint”) (ECF No. 1).

2. On September 18, 2015, Defendants answered the Trustee’s Complaint (ECF No. 59).

3. On December 7, 2022, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Adv. Pro. No. 08-01789, ECF No. 3181).

4. Pursuant to the terms of the settlement agreement, and in accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to dismiss the above-captioned adversary proceeding without prejudice and without costs.

5. The provisions of this stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the

same instrument. A signed facsimile, photostatic, or electronic copy of this Stipulation shall be deemed an original.

Dated: January 18, 2023
New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona

45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
David J. Sheehan
Email: dsheehan@bakerlaw.com
Nicholas J. Cremona
Email: ncremona@bakerlaw.com

*Attorneys for Irving H. Picard, Trustee
for the Substantively Consolidated SIPA
Liquidation of Bernard L. Madoff Investment
Securities LLC and the Chapter 7 Estate of
Bernard L. Madoff*

LAX & NEVILLE LLP

/s/ Barry R. Lax

350 Fifth Avenue, Suite 4640
New York, New York 10018
Telephone: (212) 696-1999
Facsimile: (212) 566-4531
Barry R. Lax
Email: blax@laxneville.com

Attorney for Defendants

SO ORDERED.

Dated: January 18, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge